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REMARKS/ARGUMENTS

Claims 1-72 are pending.

In response to the Restriction Requirements mailed December 11, 2007, applicants provisionally elect, with traverse, the invention of Group I, Claims 3-13 which are drawn to a three component pharmaceutical composition wherein component A is biguanide, component B is sulfonylurea and component C is Glitazone.

In support of restricting between the 5 groups of claims, the Examiner has indicated that Groups I-V do not related to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features. Applicants, respectively, disagrees with the conclusion reached

The Restriction Requirement is traversed on the basis that the inventions of Group I (3-13), Group II (Claims 14-27), Group III (Claims 28-42), Group IV (Claims 43-56), and Group V (57-72) are so closely related and require many of the same elements. Applicants would like to bring the attention of the office (through the Examiner) that this national stage application relates to one invention only or to a group of inventions so linked as to form a single general inventive concept. More specifically, all of the claims are directed to a pharmaceutical composition comprising

A pharmaceutical composition comprising of

- A) a slow release therapeutic agent as one of components
- B) another slow or immediate release therapeutic agent belonging to a class of drugs not similar to the one covered under component A

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Title: ORAL COMPOSITIONS FOR TREATMENT OF DISEASES. Filing Date: 12/30/2005. Application
Serial Number: 10/533,670. Examiner: KYLE A PURDY. Art Unit:4173. Confirmation number: 6215. Mail
Stop: Patent Application (Response to restriction requirements)

C) a slow or immediate release therapeutic agent belonging to a class of drugs not similar to the ones covered under either A or B

The Restriction requirement is also traversed on the basis that the restriction requirements are optional in all cases. M.P.E.P § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P § 803. In light of this, it is submitted that Applicants should not be required to incur the additional costs associated with the filing of divisional applications in order to obtain protection for the claimed subject matter. Thus, if the Examiner maintains the restriction Requirement, Applicants would, at the minimum, be required to file 4 divisional patent applications in order to obtain protection for the claimed subject matter.

Evidence that the search and the examination of the claims in Groups I-V in the present Restriction Requirement can be efficiently and effectively searched is provided in the Restriction requirement, as the claims in Groups I-V fall within the same class/subclasses (e.g., 149/046, 149/045, 149/061, 149/109.6, 149/002, 149/076, 210/605, 149/021, 149/036) for search purposes. Thus, it is respectfully submitted that the claims of Groups I-V can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

Thus, the restriction requirement is properly traversed. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully request favorable consideration of the present application

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and a timely examination of all of the pending claims.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

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